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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,057	03/17/2004	Pietro Marcolin	MARCOLINI	1705
1444 7590 09/13/2007 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			EXAMINER BRINSON, PATRICK F	
			ART UNIT 3754	PAPER NUMBER
			MAIL DATE 09/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/802,057

Applicant(s)

MARCOLIN, PIETRO

Examiner

Patrick F. Brinson

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 17-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/1/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter recited in claims 3, 4, 9, 12 and 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Claims 3 and 4 recite an adhesive (6) interposed between the outer layer and the inner layer, however the figs. disclose element 6 on the outside of the pipe. Claims 9, 12 and 15 recite at least one of the outer layers being a metallic reinforcing spiral, which is not shown in the figs.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement

Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7, 8, 10, 11, 13, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,573,039 to **Mang** in view of U.S. 4,145,325 to **Vassiliou et al.**

3. The patent to **Mang** discloses a tube for conveying fluids, comprising a plurality of concentric layers, an inner layer consisting of a conduit (22) for a fluid to be conveyed and at least an outer layer (20) for protection and reinforcement, mounted externally to the inner layer wherein the inner layer is mainly made from a fluorinated polymer, selected from a variety including PFA, col. 4, line 1. Col. 6, lines

20-23 discloses that the reinforcing layer (20) and the inner layer may be adhered together with heat or adhesives, as recited in claims 3 and 4. It is disclosed that the outer layer are composed of a plurality concentric outer layers, as recited in claims 5, 8, 11 and 14. Col. 2, lines 57-60, discloses that the inner layer is provided with an inner layer of semi-conductive carbon (25) which functions as an electrical ground and prevents degradation of potentially-hazardous electrical sparks within the fuel line, as recited in claims 7, 10, 13 and 16. **Mang** discloses the recited structure with the exception of disclosing that the inner layer is pigmented. The patent to **Vassiliou et al.** discloses a fluorocarbon polymer composition including a PFA, wherein it is further disclosed that any pigment can be used in the composition and though some darker pigments were employed, white pigments are preferred for their appearance. It's further disclosed that the pigmented fluorocarbon compositions may be utilized in pipes, col. 5, line 8. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide to the inner layer of **Mang**, a white pigment, as suggested by **Vassiliou et al.** in order to prevent the inner tube from turning a dark color when the inner and outer layers are adhered together.

4. Claims 6, 9, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mang** in view of **Vassiliou et al.** as applied to claims 5, 8, 11 and 14 above, and further in view of U.S. 6,390,141 to **Fisher et al.**

The patent to **Mang**, as modified, discloses a plurality of concentric layers including an abrasion resistant braided fiberglass composite, as well as a metallic spiral wire (24) within the reinforcing layer (20), but does not disclose at least one of the layers being a metallic reinforcing spiral. The patent to **Fisher et al.** discloses a pipe high pressure hose including an inner fluoropolymer layer (14) used in a variety of fluid transfer applications, including transporting of oil, including a plurality of concentric outer layers, wherein at least one of the outer layers (70) is a spiral reinforcing layer, made of a material selected from materials, including metal. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide to the hose of **Mang**, as modified, a layer of spirally wound metallic braid, as suggested by **Fisher et al.** in order to sufficiently reinforce the hose against internal as well as external pressure.


Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Crisman et al. is pertinent to Applicant's invention in disclosing a fluoropolymer inner layer. The patent to Fukumoto is pertinent in disclosing the use of a white pigment to color a fluoropolymer, and the patents to Chudgar '982 and '631 are pertinent in disclosing a hose having a plurality of concentric outer layers, at least one of them being a metallic spiral.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Patrick F. Brinson** whose telephone number is (571) 272-4897. The examiner can normally be reached on M-F 7:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kevin P. Shaver** can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Patrick F. Brinson
Primary Examiner
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P. F. Brinson

August 20, 2007